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REMARKS

Claims 1-45 are pending in the application. Claims 14-32, 37-39, and 44-45 have been withdrawn from consideration. Applicant reserves the right to file a divisional and/or continuation application directed to any of the withdrawn claims. Applicant amends claims 1, 5, 8-9, 12-13, 33-34, and 40-41 for clarification. No new matter has been added.

Applicant respectfully requests that the Examiner consider the Information Disclosure Statements ("IDS") that were filed concurrently with the application and on December 5, 2005, and return signed and initialed copies of the PTO-1449 forms attached thereto, respectively.

Claims 8-9 and 12-13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicant amends the rejected claims to clarify the objected-to language, and respectfully requests that the Examiner withdraw the § 112, ¶ 2 rejection.

Claims 1-7, 10-11, 33-36, and 40-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,317,411 to Whinnett et al. in view of U.S. Patent No. 6,301,238 to Hagerman et al. Applicant amends claims 1, 5, 33-34, and 40-41 in a good faith effort to clarify the invention as distinguished from the cited references, and respectfully traverse the rejection.

Applicant respectfully submits that it would not have been obvious to one skilled in the art at the time the claimed invention was made to combine Whinnett et al. and Hagerman et al. in the manner proposed by the Examiner without improper hindsight from the claimed invention. Whinnett et al. only describe a space-time coder used with a multiple antenna system, whereas Hagerman et al. only describe a beamforming technique in a TDMA system. The Examiner has

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failed to establish a prima facie case of obviousness in failing to provide motivation or suggestion in either reference to combine the TDMA beamforming technique described in Hagerman et al. with the space-time coder system described in Whinnett et al.

Furthermore, Hagerman et al. only describe a single beamformer 82 for a matrix of antenna elements 86 for TDMA transmission. Fig. 6 of Hagerman et al. And Whinnett et al. only describe transmitting space-time coded signals at respective individual antennas 100 through 106. Fig. 16 of Whinnett et al. Thus, even assuming, arguendo, that it would have been obvious to combine the references, the combination would still have failed to disclose or suggest,

“[t]ransmitting apparatus which transmits a data signal to a receiving apparatus via at least two different transmission paths, comprising:

an antenna array;
a transmitter array connected to the antenna array; and
a plurality of beamformers connected to the transmitter array, each beam former being operable to receive a transmission signal and to modify the transmission signal, such that the antenna array produces a plurality of directional transmission beams carrying respective transmission signals which are transmitted via different transmission paths to the receiving apparatus; and
a space-time encoder which applies respective space-time coding to the data signal thereby to produce space-time encoded transmission signals for transmission by the respective transmission beams,” as recited in claim 1.

Accordingly, Applicant respectfully submits the claim 1, together with claims 2-4 dependent therefrom, is patentable over Whinnett et al. and Hagerman et al., separately and in combination, for at least the foregoing reasons. Claims 5, 7, 11, 33-36, and 40-43 incorporate features that correspond to those of claim 1 cited above, and are, therefore, together with claims 6, 8-10, 12-13 dependent therefrom, respectively, patentable over the cited references for at least the same reasons.

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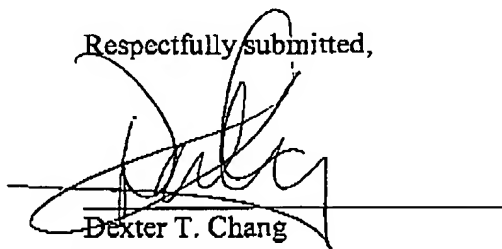
The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicant appreciates the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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